

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

YASMIN FOOD MARKET,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
TOM VILSACK, Secretary, U.S. Department of	:	NO. 11-5184
Agriculture,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 24th day of *January*, 2012, upon consideration of Defendant Tom Vilsack, Secretary, U.S. Department of Agriculture's Motion to Dismiss (Docket No. 20) and Plaintiff Yasmin Food Market's Response in Opposition (Docket No. 21) it is hereby

ORDERED as follows:

1. Defendant's Motion to Dismiss Counts I and II of Plaintiff's Amended Complaint is **DENIED**.
2. Defendant's Motion to Dismiss Count III of Plaintiff's Amended Complaint is **GRANTED**. Count III of the Amended Complaint is **DISMISSED**.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.